

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Michael J. McHugh

DEFENDANTS

Schindler Elevator Corporation, Caesars Entertainment Corporation, Caesars Entertainment, Inc., Caesars Atlantic City Hotel & Casino, John Does (1-5) and Jane Does (6-10)

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Middlesex

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, Email and Telephone Number)

Robert P. Weiner, Esquire

Society Hill Office Park, Suite 4

1874 Route 70 East, Cherry Hill, NJ 08003 (856) 751-9702

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1332

Brief description of cause:

Plaintiff was injured from a defective handrail in elevator in hotel.

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$
150,000.00CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/09/2015

SIGNATURE OF ATTORNEY OF RECORD

Robert P. Weiner, Esquire

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Michael J. McHugh	:	
7030 Lynford Street	:	CIVIL ACTION – LAW
Philadelphia, PA 19149	:	
	:	
v.	:	
	:	
Schindler Elevator Corporation	:	
20 Whippany Road	:	
Morristown, NJ 07962	:	
	:	
and	:	NO.
	:	
Caesars Entertainment Corporation	:	
One Caesars Palace Drive	:	
Las Vegas, NV 89109	:	
	:	
and	:	
	:	
Caesars Entertainment, Inc.	:	
3930 Howard Hughes Parkway	:	
Las Vegas, NV 89109	:	
	:	
and	:	
	:	
Caesars Atlantic City Hotel & Casino	:	
2100 Pacific Avenue	:	
Atlantic City, NJ 08401	:	
	:	
and	:	
	:	
JOHN DOES 1-5, whose present identities	:	
are unknown	:	
	:	
and	:	
	:	
JANE DOES 6-10, whose present identities	:	
are unknown	:	

COMPLAINT

1. Jurisdiction in this action is founded on diversity of citizenship and amount in controversy; as the Plaintiff, Michael J. McHugh, is a citizen of the State of Pennsylvania residing at 7030 Lynford Street, Philadelphia, PA 19149; Defendant, Schindler Elevator Corporation is a corporation in the State of New Jersey with a principal place of business at 20 Whippany Road, Morristown, NJ 07962; Defendant, Caesars Entertainment Corporation is a corporation in the State of Nevada, with a principal place of business at One Caesars Palace Drive, Las Vegas, NV 89109; Defendant, Caesars Entertainment, Inc. is a corporation in the State of Nevada, with a principal place of business at 39390 Howard Hughes Parkway, Las Vegas, NV; Defendant, Caesars Atlantic City Hotel & Casino is a corporation in the State of New Jersey, with a principal place of business at 2100 Pacific Avenue, Atlantic City, NJ 08401; and John Does 1-5 and Jane Does 6-10 (fictitious parties as retailers), Individually, Jointly, Severally or in the Alternative. Accordingly, venue is properly placed in this Court pursuant to 28 U.S.C. Section 1391(a) and the amount in controversy exceeds, exclusive of interest and costs, the sum of Seventh-five Thousand (\$75,000.00) Dollars.

2. At all times herein relevant, the plaintiff, Michael J. McHugh is and was an adult individual residing at 7030 Lynford Street, Philadelphia, PA 19149.

3. At all times relevant hereto, defendant, Schindler Elevator Corporation (Schindler) is and was a corporation incorporated in the State of New Jersey with a principal place of business located at 20 Whippany Road, Morristown, NJ 07962.

4. At all times relevant hereto, defendant, Caesars Entertainment Corporation (Caesars), is and was a corporation incorporated in the State of Nevada with a principal place of business located at One Caesars Palace Drive, Las Vegas, NV 89109.

5. At all times relevant hereto, defendant, Caesars Entertainment Inc. (Caesars), is and was a corporation incorporated in the State of Nevada with a principal place of business located at 3930 Howard Hughes Parkway, Las Vegas, NV 89109.

6. At all times relevant hereto, defendant, Caesars Atlantic City Hotel & Casino, is and was a corporation incorporated the State of New Jersey with a principal place of business located at 2100 Pacific Avenue, Atlantic City, NJ 08401.

7. On the date and place aforesaid, the plaintiff, Michael J. McHugh, was a business invitee lawfully on the premises of Caesars Atlantic City Hotel & Casino (Caesars) when his right arm was injured as the result of a dangerous, defective and hazardous condition as hereinafter more fully set forth.

8. Plaintiff Michael J. McHugh was a registered guest at defendant's location Caesars Atlantic City Hotel & Casino when plaintiff entered an elevator traveling to the Casino floor. He put his right hand on the handrail. A portion of the handrail dislodged causing injury to his right arm, hereinafter more particularly set forth.

9. Plaintiff contends that the aforesaid accident and the resulting injuries and damages were caused solely by reason of the negligence and carelessness of the defendants, individually and collectively, as aforesaid, and without fault or negligence upon the part of the plaintiff causing or in any way contributing thereto.

10. On the date and place aforesaid, the premises were owned by, controlled, maintained, inspected, operated, managed and administered for risk management by the defendants Caesars and Schindler.

11. On the date and place aforesaid and at all times material hereto, there existed on the premises a dangerous, defective and hazardous condition of which the defendants knew of, or in the exercise of reasonable care should have known existed.

12. Plaintiff's injuries were caused by the negligence and carelessness of the defendants, as follows:

a. Failing to maintain the premises in a safe and suitable condition for those persons reasonably expected to use such premises, including the Plaintiff;

b. Failing to perform their legal obligations with respect to the elevator handrails;

c. Permitting said handrails to become and remain in a dangerous, defective and hazardous condition;

d. Failing to provide proper safe and clear access for persons allowed and invited to use the handrail, including the Plaintiff;

e. Failing to properly inspect and maintain the handrail;

f. Allowing and permitting a nuisance to exist in the elevator;

g. Failing to exercise proper care;

h. Failing to Plaintiff warning of the dangerous, defective and hazardous condition;

i. Maintaining the handrail in a condition that was in violation of the applicable Municipal and State building codes;

j. Failing to discover and eliminate the dangerous, defective and hazardous condition; and

k. Failing to exercise and provide adequate risk management services.

13. Solely as a result of the aforesaid carelessness and negligence of the defendants, plaintiff, Michael J. McHugh, sustained bodily injuries, including but not limited to subacute right ulnar mononeuropathy at or near the elbow; right median mononeuropathy at or distal to the wrist, right elbow soreness, right hand soreness, post surgical scarring, and numbness, tingling and aching into the small finger; discomfort at the elbow. Plaintiff, Michael J. McHugh, suffers from post-traumatic stress symptom. Such injuries have caused him great pain and suffering and will continue to cause him great pain and suffering in the future; such injuries being of a permanent nature; and such injuries having prevented him and will continue to prevent him from attending to his usual occupation and duties.

14. As a further result of the aforesaid carelessness and negligence of the defendants, plaintiff, Michael J. McHugh, has been and will be obliged to receive and undergo medical attention and care and to expend various sums of money and/or incur various expenses for the injuries he has suffered, and he may be obliged to continue to expend such sums or incur such expenditures for an indefinite time in the future, all to his financial detriment.

WHEREFORE, plaintiff, Michael J. McHugh, demands judgment against defendants, jointly and severally, plus interest and costs.

COUNTY TWO

The Plaintiff, Michael J. McHugh, repeats, reiterates and incorporates by reference all of the allegations of Counts one through 14 as if same were set forth herein at length.

15. The persons and/or entities are presently unknown to the Plaintiff and Plaintiff has joined John Does (1-5 Fictitious Name) and Jane Does (6-10 Fictitious Names) as Defendants herein.

16. On the date and place aforesaid, the Defendants John Does (1-5 Fictitious Name) and Jane Does (6-10 Fictitious Names) were negligent and careless as follows without fault or negligence upon the part of the plaintiff causing or in any way contributing thereto.

17. Plaintiff's injuries were caused by the negligence and carelessness of the defendants, as follows:


- a. Failing to maintain the premises in a safe and suitable condition for those persons reasonably expected to use such premises, including the Plaintiff;
- b. Failing to perform their legal obligations with respect to the elevator handrails;
- c. Permitting said handrails to become and remain in a dangerous, defective and hazardous condition;
- d. Failing to provide proper safe and clear access for persons allowed and invited to use the handrail, including the Plaintiff;
- e. Failing to properly inspect and maintain the handrail;
- f. Allowing and permitting a nuisance to exist in the elevator;
- g. Failing to exercise proper care;
- h. Failing to Plaintiff warning of the dangerous, defective and hazardous condition;
- i. Maintaining the handrail in a condition that was in violation of the applicable Municipal and State building codes;
- j. Failing to discover and eliminate the dangerous, defective and hazardous condition; and
- k. Failing to exercise and provide adequate risk management services.

18. Solely as a result of the aforesaid carelessness and negligence of the defendants, plaintiff, Michael J. McHugh, sustained bodily injuries or aggravation of pre-existing injuries, including but not limited to subacute right ulnar mononeuropathy at or near the elbow; right median mononeuropathy at or distal to the wrist, right elbow soreness, right hand soreness and numbness and tingling and aching into the small finger; discomfort at the elbow. Plaintiff, Michael J. McHugh, suffers from post-traumatic stress symptom. Such injuries have caused him great pain and suffering and will continue to cause him great pain and suffering in the future; such injuries being of a permanent nature; and such injuries having prevented him and will continue to prevent him from attending to his usual occupation and duties.

19. As a further result of the aforesaid carelessness and negligence of the defendants, plaintiff, Michael J. McHugh, has been and will be obliged to receive and undergo medical attention and care and to expend various sums of money and/or incur various expenses for the injuries he has suffered, and he may be obliged to continue to expend such sums or incur such expenditures for an indefinite time in the future, all to his financial detriment.

WHEREFORE, plaintiff, Michael J. McHugh, demands judgment against defendants, jointly and severally, plus interest and costs.

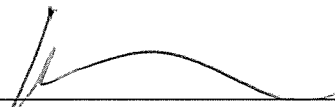
Dated: September 9, 2015



ROBERT P. WEINER, ESQUIRE
Identification No: 02091976
Attorney for Plaintiff
Society Hill Office Park, Suite 4
1874 Route 70 East
Cherry Hill, New Jersey 08003
(856) 751-9702
Rweineresq1@verizon.net

I certify pursuant to L. Civ.R. 11.2 that the matter in controversy is not the subject of any other action pending in any other Court.

Dated: September 9, 2015

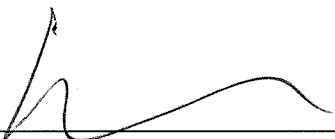


ROBERT P. WEINER, ESQUIRE
Identification No: 02091976
Attorney for Plaintiff
Society Hill Office Park, Suite 4
1874 Route 70 East
Cherry Hill, New Jersey 08003
(856) 751-9702
Rweineresq1@verizon.net

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: September 9, 2015

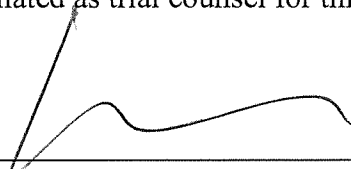


ROBERT P. WEINER, ESQUIRE
Identification No: 02091976
Attorney for Plaintiff
Society Hill Office Park, Suite 4
1874 Route 70 East
Cherry Hill, New Jersey 08003
(856) 751-9702
Rweineresq1@verizon.net

TRIAL COUNSEL DESIGNATION

Robert P. Weiner, Esquire is hereby designated as trial counsel for this matter.

Dated: September 9, 2015



ROBERT P. WEINER, ESQUIRE
Identification No: 02091976
Attorney for Plaintiff
Society Hill Office Park, Suite 4
1874 Route 70 East
Cherry Hill, New Jersey 08003
(856) 751-9702
Rweineresq1@verizon.net